

Notice of Allowability

Application No.

09/870,801

Examiner

Justin T. Darrow

Applicant(s)

GINTER ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 03/26/2004.
2. ☒ The allowed claim(s) is/are 91-128.
3. ☒ The drawings filed on 01 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1-128 have been presented for examination. Claims 1-90 have been canceled and new claims 91-128 have been added in a preliminary amendment filed 06/01/2001. Claims 91, 93, 94, 96, 97, 103, 121, 123, and 126-128 have been amended in an amendment filed 03/26/2004. Claims 91-128 have been examined.

Priority

2. Acknowledgment is made that the instant application is a continuation of Application No. 09/342,899, filed 06/29/1999, which is a continuation of Application No. 08/780,545, filed 01/08/1997, now U.S. Patent 5,917,912 A, which is a division of Application No. 08/388,107, filed 02/13/1995, now abandoned.

Information Disclosure Statement

3. The information disclosure statements (IDSs) submitted on 11/08/2004, 10/21/2004, 03/26/2004, and 03/26/2004 were filed after the mailing date of the Office action on 09/26/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

Allowable Subject Matter

4. Claims 91-128 are allowed.
5. The following is an examiner's statement of reasons for allowance:

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Claims 91-95 are drawn to a load module embodied on a computer-readable medium. The closest prior art, Stefik, U.S. Patent No. 5,715,403 A, discloses a similar load module. Although Stefik describes a repository sending periodic charge information to a credit server (see column 29, lines 60-67 and column 30, lines 23-26), he neither teaches nor suggests the load module body including executable programming specifying that information relating to a use of the load module be communicated to a remote site. This particular feature explicitly incorporated into independent claim 91 renders claims 91-95 allowable.

Claims 96-120 are drawn to an operating system embodied on a computer-readable medium. The closest prior art, Stefik, U.S. Patent No. 5,715,403 A, discloses a similar operating system. Although Stefik describes communications programming used to communicate a confirmation of billing for metered use (see column 32, lines 39-45; figure 18, steps 1818 and 1819), he neither shows nor motivates a component assembling programming including communications programming used to communicate at least one result of a tag comparison to a remote site. This distinct element explicitly recited in independent claim 96 renders claims 96-120 allowable.

Claims 121-125 are drawn to a component assembly embodied on a computer-readable medium. The closest prior art, Stefik, U.S. Patent No. 5,715,403 A, discloses a similar component assembly. Although Stefik describes communications programming used to assign a transaction ID to billing transactions reported to a credit server (see column 30, lines 33-37), he neither specifies nor implies load module executable programming including programming requiring the storage of audit information relating to the use of the component assembly. The particular feature explicitly recited in independent claim 121 renders claims 121-125 allowable.

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Claim 126 is drawn to a component assembly embodied on a computer-readable medium. The closest prior art, Stefik, U.S. Patent No. 5,715,403 A, discloses a similar component assembly. However Stefik neither teaches nor suggests load module executable programming including programming requiring the storage of information uniquely identifying a device at which the component assembly is stored. The particular feature explicitly recited in independent claim 126 renders it allowable.

Claim 127 is drawn to a component assembly embodied on a computer-readable medium. The closest prior art, Stefik, U.S. Patent No. 5,715,403 A, discloses a similar component assembly. However Stefik neither teaches nor suggests load module executable programming including programming requiring communicating a unique identification for a device at which the component assembly is stored. The particular feature explicitly recited in independent claim 127 renders it allowable.

Claim 128 is drawn to a computer processing system. The closest prior art, Stefik, U.S. Patent No. 5,715,403 A, discloses a similar component assembly. However Stefik neither teaches nor suggests a communications module which communicates a unique identifier of the computer processing system or a use user of the computer processing system to a remote location. The particular feature explicitly recited in independent claim 128 renders it allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only "**OFFICIAL FAX**" but also "**AMENDMENT AFTER FINAL**".

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

January 23, 2005



**JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100**